

Senator Sherrill moved to reconsider the vote passing

House bill No. 460, being a bill to be entitled "An act to suspend the forfeiture of the public free school, the university and the several asylum lands for non-payment of interest due thereon, and to provide for the payment thereof, and to dismiss suits pending for such forfeiture."

Carried.

Senator Smith entered a motion to reconsider the vote by which the amendment to subdivision 37 of Senate bill No. 66 was adopted, and to have that motion spread upon the Journals of the Senate.

On motion of Senator Tips,

House bill No. 412, a bill to be entitled "An act to impose an occupation tax upon general and local agents of life, fire, marine and accident insurance companies doing business in this State,"

Was recommitted to Committee on Finance.

Resuming consideration of Senate bill No. 85,

By Senator Boren:

Amend line 12, section 51a, by striking out "shall" and inserting "may."

Adopted by the following vote:

Yeas—17.

Bailey.	Lawhon.
Beall.	Lewis.
Boren.	McComb.
Colquitt.	Presler.
Darwin.	Rogers.
Dibrell.	Sherrill.
Dickson.	Smith.
Gage.	Steele.
Greer.	

Nays—5.

Atlee.	Stafford.
Shelburne.	Woods.
Simpson.	

Present, not voting

Tips.

Absent, excused.

Agnew.	McKinney.
Dean.	Whitaker.
Harrison.	

Absent, not excused.

Bowser.	Goss.
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By Senator Beall:

Amend by striking out all of line 1.  
Lost.

Senator Smith entered a motion to reconsider the vote by which the amendment was lost.

By Senator Sherrill:

Amend section 51a by striking out all of line 2 and down to and including the word "State," in line 3, and insert in place thereof the following: "That the several county commissioners' courts of this State may."

Adopted.

Senator Smith called up his motion to reconsider the vote defeating Senator Beall's amendment.

Reconsidered by the following vote:

Yeas—14.

Presler.

Atlee.	Shelburne.
Bailey.	Simpson.
Beall.	Smith.
Dibrell.	Stafford.
Goss.	Steele.
Greer.	Tips.
McComb.	

Nays—10.

Boren.	Lawhon.
Colquitt.	Lewis.
Darwin.	Rogers.
Dickson.	Sherrill.
Gage.	Woods.

Absent, excused.

Agnew.	McKinney.
Dean.	Whitaker.
Harrison.	

Absent—not excused.

Bowser.

Pending action.

On motion of Senator Dickson, Senate bill No. 217, being a bill to be entitled "An act to provide for the support and maintenance of a school of dentistry of the Medical Department of the University of Texas,"

Was made special order for next Saturday at 10:30 a. m.

Senator Greer moved to take up

Senate bill No. 6, being "An act to regulate primary elections,"

And that the Senate refuse to concur in the House amendments, and that a free conference committee be appointed.

Carried.

Senator Sherrill moved to adjourn to 9:30 a. m. tomorrow.

Senator Simpson moved as a substitute 10 a. m. tomorrow.

The motion to adjourn until 10 a. m. was adopted.

#### FORTY-NINTH DAY.

Senate Chamber,

Austin, Texas, March 8, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lawhon.
Bailey.	McComb.
Beall.	McKinney.
Boren.	Presler.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Darwin.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Woods.
Greer.	

Absent, excused.

Agnew.	Harrison.
Dean.	

Absent, not excused.

Lewis.	Simpson.
Rogers.	Whitaker.

Prayer by the Chaplain, Dr. Smoot.  
Pending reading of the Journal of yesterday,

On motion of Senator McKinney, the same was suspended.

On motion of Senator Shelburne, Senator Simpson was excused for today on account of important business.

On motion of Senator Greer, Senator Rogers was excused for today on account of sickness.

On motion of Senator Steele, Secretary Pool was excused for today on account of sickness.

#### PETITIONS AND MEMORIALS.

By Senator Greer:

Petition from citizens and legal voters of San Augustine, asking the passage of a bill exempting that county from the operations of the district school system.

Read and referred to Committee on Education.

By Senator Boren:

Petition from citizens of Marion county, asking that said county be retained in the district school system.

Read and referred to Committee on Education.

By Senator Lawhon:

Memorial from committee of John B. Hood Camp of Confederate Veterans, asking that the Confederate Home may be kept upon its present site, and that liberal appropriations be made for its support.

Read and referred to Committee on State Affairs.

#### COMMITTEE REPORTS.

Committee Room,  
Austin, Texas, March 8, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Commerce and Manufactures, to whom was referred

Senate bill No. 154, a bill to be entitled "An act to provide for the organization of public warehouses, to regulate the warehousing of cotton, grain and all other kinds of products and all kinds of goods and mercantile commodities, and to define the ownership thereof,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BOWSER, Chairman.

Committee Room,  
Austin, Texas, March 8, 1895.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Public Buildings, to whom was referred

Senate bill No. 210, a bill to be entitled "An act for the better protection of the public buildings of the State of Texas,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

TIPS, Acting Chairman.

#### HOUSE MESSAGE.

Hall House of Representatives,  
Austin, Texas, March 8, 1895.

Hon. Geo. T. Jester, President of the Senate:

I am directed by the House to inform the Senate that the House has passed the following bill, to-wit:

House bill No. 540, "An act to amend chapter 14, General Laws of 1891, being an act entitled 'An act to authorize the transfer of the Confederate Home at Austin from private to State management, and to establish said Home as a State institution, and provide for its support,' approved February 27, 1891."

Passed by two-thirds vote—Ayes 86, nays 1.

Also, that Hon. J. C. Feagin has been appointed on part of the House on committee to codify the Code of Criminal Procedure and Penal Code, vice Hon. I. A. Martin, resigned.

Respectfully,

CHESTER HAILE, Chief Clerk.

#### BILLS AND RESOLUTIONS.

By Senator Tips:

A bill to be entitled "An act to amend an act entitled 'An act to regulate the establishment of quarantine in the State of Texas and in the counties, cities and towns thereof, and to repeal all laws and parts of laws in conflict therewith,' approved April 29, 1891."

Read first time and referred to Committee on Finance.

By Senator Goss:

A bill to be entitled "An act to amend section 92, chapter 122, of the General Laws of the Twenty-third Legislature, relating to transfers of children from one school district to another."

Read first time and referred to Committee on Education.

By Senator McComb:

A bill to be entitled "An act to amend articles 1277 and 1278 of chapter 10, title 29, of the Revised Civil Statutes, relating to continuance of civil cases."

Read first time and referred to Judiciary Committee No. 1.

By Senator Presler:

A bill to be entitled "An act to create a State teachers' certificate board, and to define the powers and duties of said board."

Read first time and referred to Committee on Education.

By Senator McComb:

A bill to be entitled "An act to provide for copying the railway profiles now in the possession of the State Railroad Commission, and to make appropriations therefor."

Read first time and referred to Committee on General Land Office.

By Senator Tips:

Concurrent resolution granting to John B. Hood Camp of Confederate Veterans

the right to place in the Capitol grounds a monument to the Confederate dead.

Read and adopted.

Call concluded.

### SPECIAL ORDER.

The Chair laid before the Senate,

Senate bill No. 80, being a bill to be entitled "An act to confirm and validate certain surveys of land made by virtue of certificates issued to persons permanently disabled by reason of wounds received while in the service of this State or of the Confederate States."

Action being on the amendment offered by Senator Lewis, to that of Senator Smith, they being to-wit:

By Senator Smith:

Amend section 2 by adding the following: "Provided, that this act shall in no way affect suits now pending wherein the validity of such surveys or the patents issued therefor are in any way involved."

By Senator Lewis:

Amend the amendment by adding after the word "suits," the words "by the State of Texas."

The amendment to the amendment was adopted.

The amendment (Senator Smith's) as amended was then adopted by the following vote:

#### Yeas—15.

Atlee.	McKinney.
Beall.	Presler.
Colquitt.	Sherrill.
Darwin.	Smith.
Dickson.	Stafford.
Gage.	Steele.
Greer.	Woods.
McComb.	

#### Nays—7.

Bowser.	Lewis.
Dibrell.	Shelburne.
Goss.	Tips.
Lawhon.	

#### Absent—excused.

Agnew.	Rogers.
Dean.	Simpson.
Harrison.	Whitaker.

#### Absent, not excused.

Bailey.	Boren.
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By Senator Smith:

Amend section 1 by adding thereto the following: "This act shall not be construed to validate patented surveys where the patentee has not sold and disposed of his title to such survey prior to January 13, 1895."

(Senator Boren in the chair.)

By Senator Presler:

Substitute the amendment to amend section 1 by adding the following: "Provided, that where title to such patented survey was on the first day of January, 1895, still in the patentee, and where the State has not alienated the corresponding section located for the public school fund, that such patents shall be canceled and patent in lieu thereof shall issue to such patentee, conveying to such pat-

entee one-half of such tract; such patentee shall have the right to select the one-half of each tract to which he shall have title, and the remaining half of each such tract shall inure to the public free school fund. The partition made of such tract shall be fair and equitable, both to the patentee and to the State."

(Lieutenant Governor Jester in the chair.)

On motion of Senator Smith, the further consideration of the bill was postponed till tomorrow after call.

The chair announced the following named Senators as a free conference on part of the Senate on

Senate bill No. 6, being "An act concerning primary elections called and held by authority of any political party; to prevent illegal voting at same and false returns thereof, and providing penalties therefor."

Senators Greer, Smith and Agnew.

### IN SENATE.

House bill No. 300, "An act to amend section 1 of an act entitled 'An act to provide for the prompt, speedy and economical disbursement of the direct tax refunded to the State of Texas under the act of the Fifty-first Congress, approved March 2, 1891,' as enacted by the regular session of the Twenty-third Legislature in 1893, being chapter 30, substitute House bill No. 67, and to repeal all laws in conflict with this act."

Read first time and referred to Committee on Finance.

On motion of Senator Steele, regular order of business was suspended to take up

House bill No. 74, being a bill to be entitled "An act to provide a method of ascertaining the class of a merchant, so as to determine the amount of his occupation tax, and to provide for the collection of same, and fixing penalties for the violation of the provisions of this act."

Bill read second time and passed to third reading.

On motion of Senator Steele, the constitutional rule requiring bills to be read on three several days was suspended and the bill put on its third reading and final passage, by the following vote:

#### Yeas—20.

Atlee.	Greer.
Bailey.	Lawhon.
Beall.	Lewis.
Boren.	McComb.
Bowser.	McKinney.
Colquitt.	Presler.
Darwin.	Shelburne.
Dickson.	Steele.
Gage.	Tips.
Goss.	Woods.

#### Nays—1.

Smith.

#### Absent, excused.

Agnew.	Rogers.
Dean.	Simpson.
Harrison.	Whitaker.

## Absent, not excused.

Dibrell.                      Stafford.  
Sherrill.

Bill read third time and passed by the following vote.

## Yeas—23.

Atlee.	Lawhon.
Bailey.	Lewis.
Beall.	McComb.
Boren.	McKinney.
Bowser.	Presler.
Colquitt.	Shelburne.
Darwin.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Woods.
Greer.	

## Nays—none.

## Absent, excused.

Agnew.	Rogers.
Dean.	Simpson.
Harrison.	Whitaker.

## Absent, not excused.

Sherrill.

On motion of Senator Colquitt, regular order of business was suspended to take up

House bill No. 162, "An act to regulate and fix the tax on the manufacture and sale of cigarettes and cigarette pads or paper to be used in making cigarettes, and to prescribe a penalty for violation of the same."

Bill read second time, with committee amendment.

Committee amendment adopted.

By Senator Lewis:

Strike out "\$100" and insert "\$10" in line 12 of section 2.

Adopted.

By Senator Dibrell:

Amend by striking out in line 3 of section 1 the words "or give away."

Adopted.

By Senator Atlee:

Strike out "five hundred" in line 12, section 2, and insert "one hundred" in lieu.

Adopted.

By Senator Lawhon:

Amend by inserting between the word "manufacture" and the word "sell," in lines 2 and 3 of section 1, the word "or."

Adopted.

Bill passed to third reading.

On motion of Senator Goss, regular order of business was suspended to take up

Senate bill No. 138, being "An act to validate certain titles to lands located by virtue of certificates issued to railroad companies and now owned by purchasers in actual good faith for value, their heirs or assigns, and by actual settlers, or belonging to the public free school, University or asylum funds."

Bill read third time and passed by the following vote:

## Yeas—19.

Atlee.	Greer.
Bailey.	Lewis.
Beall.	McComb.
Boren.	Presler.
Bowser.	Shelburne.
Darwin.	Smith.
Dibrell.	Steele.
Dickson.	Tips.
Gage.	Woods.
Goss.	

## Nays—3.

Colquitt.	McKinney.
Lawhon.	

## Absent, excused.

Agnew.	Rogers.
Dean.	Simpson.
Harrison.	Whitaker.

## Absent, not excused.

Sherrill.	Stafford.
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On motion of Senator Presler, regular order of business was suspended to take up

Senate bill No. 1, being a bill to be entitled "An act relating to suits for libel, and to better define a mode of procedure in suits for damages thereunder."

Action being on the motion of Senator Simpson to reconsider the vote by which the bill was finally passed.

Senator Greer moved the previous question on the passage of the bill.

Senator Smith moved to adjourn till tomorrow morning 10 o'clock a. m.

Carried.

## FIFTIETH DAY.

Senate Chamber,

Austin, Texas, March 9, 1895.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Lewis.
Bailey.	McComb.
Beall.	McKinney.
Boren.	Presler.
Bowser.	Shelburne.
Colquitt.	Sherrill.
Darwin.	Smith.
Dibrell.	Stafford.
Dickson.	Steele.
Gage.	Tips.
Goss.	Woods.
Lawhon.	

## Absent—excused.

Agnew.	Harrison.
Dean.	Whitaker.

## Absent, not excused.

Greer.	Simpson.
Rogers.	

Prayer by the Chaplain, Dr. Smoot.

Pending reading of the Journal of yesterday,

On motion of Senator Atlee, the same was suspended.